the members of the union, not only against these who voted against him and his failure to object to the vote did not raise an estoppel against him. *Hanson* v. *Innis, et al.* (Mass. 1912). 97 N. E. 756.

Upon the facts stated in the opinion, if the transaction had closed with the strike alone, the plaintiff probably would have had no cause of action. For the members of a union as well as an individual can say to their employer, "We are going to quit," and then quit, whatever the reason, and the act is lawful. All courts so hold. Yet, it is submitted, in some instances such an act of a union could logically be held unlawful and actionable, when the pressure exerted by combination and the interest of the public are taken into consideration. But here the strike culminated in the vote and the plaintiff's discharge and therefore, became actionable because unjustifiable. The reasons that lead the courts to construe such strikes unlawful or not, when identical acts done by an individual would not be, present the most interesting phase of the legal side of the labor problem. See NOTE AND COMMENT p. 637.

WILLS—VALIDITY OF CONDITION NOT TO CONTEST.—A will contained a provision that if any beneficiary should contest the will he should receive $5.00 only, and the remainder of his share under the will should be divided among certain designated persons. Certain beneficiaries contested the will on the ground that it was a forgery. *Held,* that the contesting beneficiaries did not forfeit their shares under the will. *Rouse et al.* v *Branch et al.* (S. C. 1912), 74 S. E. 133.

As to personalty, such provisions for forfeiture are inoperative when there is probable cause for the litigations; SCHOULER, WILLS (Ed. 3) § 605, citing *Powell* v. *Morgan,* 2 Vern. 90; *Loyd* v. *Spillet,* 3 P. W. 344; *Morris* v. *Burroughs,* 1 Atk. 404; see also *Bradford* v. *Bradford,* 19 Ohio St. 546: but a gift over of the legacy upon breach will make the condition good, 2 JARMAN, WILLS, Ed. 5, § 59., citing *Cleaver* v. *Spurling,* 2 P. W. 528; *Stevenson* v. *Abington,* 11 W. R. 935; see also *Re Barandon* 41 Misc. 380. In *Cooke* v. *Turner,* 15 M. & W. 727, 14 Sim. 493, such a provision was held valid against a devisee who had contested the will on the ground of the insanity of the testator, though the testator had been found insane by a commission some years before the making of the will; but the court of chancery later allowed an issue of *devisavit vel non* to be tried; see same case on appeal, 15 Sim. 611, 2 Hall & Tw. 162. The decision in the principal case was placed on the grounds of public policy, i.e., that if the rule were otherwise it would encourage such legatees to become morally *participes criminis* by accepting the fruits of what they had probable cause to believe was a forgery. Legatees under similar circumstances in *Friend's Estate,* 209 Pa. St. 422, were held not to forfeit their legacies by contesting a will on probable cause of undue influence, even though the will contained a valid gift over upon breach. As to what constitutes a valid gift over, see *Fifield* v. *Van Wyck,* 94 Va. 557; *Stevenson* v *Abington,* 11 W. R. 935. The tendency would seem to be to disregard the gift over and the reasons for regarding it as enumerated by Sir William GRANT in *Lloyd* v. *Branton,* 3 Mer. 117, as being more academical than practical. *Mallet* v. *Smith,* 6 Rich. Equity (S. C.) 12; *Chew's Appeal,* 45 Pa. St. 228.